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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE  
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10                   ALLSTATE INDEMNITY COMPANY, an  
11                   Illinois Corp., ALLSTATE PROPERTY  
12                   AND CASUALTY INSURANCE  
13                   COMPANY, an Illinois Corp. ,  
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15                   Plaintiffs,

16                   v.  
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18                   UNA LYONS and JOHN PATRICK  
19                   LYONS, husband and wife and the marital  
20                   community comprised thereof; KIMBERLY  
21                   DIEHL, a single woman,  
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23                   Defendants.

CASE NO. 2:17-cv-00511-BAT

**ORDER NOTING MOTION TO  
DISMISS**

On October 31, 2018, Counter Defendants Allstate Indemnity Company, Allstate Indemnity Company, Allstate Property and Casualty Insurance Company, Allstate Property and Casualty Insurance Company, Plaintiffs Allstate Indemnity Company, Allstate Property and Casualty Insurance Company (collectively “Allstate”) filed a “Notice of Mootness,” notifying the Court that this declaratory judgment action is now moot as the underlying state court case was tried, a defense verdict was rendered, the case has been dismissed, and no appeal has been filed. Dkt. 29.

1       The Court views Allstate's notice as a motion to dismiss and **directs the Clerk to note**  
2 **the motion (Dkt. 29)** on the Court's calendar for consideration as a motion to dismiss with  
3 prejudice on **November 23, 2018.**

4       DATED this 1st day of November, 2018.

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BRIAN A. TSUCHIDA  
Chief United States Magistrate Judge